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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,972	03/02/2004	Shunpei Yamazaki	0553-0242.01	2127

7590 06/28/2005

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EXAMINER

LUHRS, MICHAEL K

ART UNIT	PAPER NUMBER
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2824

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,972

Applicant(s)

YAMAZAKI ET AL.

Examiner

Michael K. Luhrs

Art Unit

2824

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 18-37 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 29,30,35 and 36 is/are allowed.
6) ☒ Claim(s) 1,18-28,31,32,35 and 36 is/are rejected.
7) ☒ Claim(s) 33 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/798,608.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date May 4, 2005
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: updated search history.

Art Unit: 2824

DETAILED ACTION

Information Disclosure Statement

1. Examiner has considered the IDS submitted May 4, 2005. Examiner thanks applicant for submitting the reference (re: Schenk) copy that was absent from the parent.

Drawings

2. The replacement drawings were received on May 4, 2005. These drawings are approved.

Claim objections:

3. Claims 26 and 32 line 2 is objected to. Specifically, regarding line 2, of applicant's claim 26, the word "disposing" is objected to. There *is* the necessity to disposing (i.e. placing) a substrate into the film forming chamber in order for the EL material to form the thin film and it is clear prior art by Nakamura et. al. begin with a glass plate, for example, fixed to the *substrate holder* of the vacuum deposition chamber (lines 19-22, column 18). The examiner interprets applicant's "disposing" as the placement of a substrate into a chamber, as does Nakamura et. al., but objects to applicant's wording (i.e. that such placement of a substrate into a chamber is worded as "disposing", rather, language *away from* the implications towards any association with deposition, is preferred. *How* the substrate is *created* is different from act of placement, so the word "disposing" is confusing, and alternative language such as *placing* is requested for clarity, (to replace the word disposing). Please also improve line 2 of claim 32, similarly.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 28, 31, 34 and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Art Unit: 2824

Regarding claims 28, 31, 34 and 37: Applicant *mentions* only that passive (simple) or active (active) by applicant's specification p. 1, lines 14-5, as to there extent of simple matrix versus active matrix in applicant's BACKGROUND section. Yet there is no support as to what the intended bounds of "light emitting device is a passive light emitting device" limitation of applicant's claims 28, 31, 34 and 37 is supposed to be. Examiner could not find any reference to the passive device in applicant's preferred embodiments or original presented claims. The claims in '739 (parent) identify devices, yet there is no suggestion theses devices are passive. This is new matter. Apparently, applicant's amendment is the first such suggestion to utilize the claimed method for the manufacture of a *passive* light emitting device.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 18-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9, 18, 10, 11, 12, 13, 14, 15, respectively of U.S. Patent No. 6,699,739. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of these claims listed in the present application are those provided in USPN 6,699,739.

6. Claims 25 and 26-28, and 32 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 and claims {9,18} and {9, 18} and respectively, of U.S. Patent No. 6,699,739 in view of Nakamura et. al. USPN 5,427,858.

Re: claim 25: Although '739 does not mention organic in the claims, Nakamura et. al.'s organic electroluminescent device is made of organic material (line 24, column 11), such as Alq (line 35, column 18) for EL material, thus known EL material *is* organic.

Art Unit: 2824

Re: claims 26-28: The vaporized EL material (of claim 9 in '739) charged in claim 18 (of '739) *is* EL material charged "*prior to reaching the mask*" (i.e. this timing is met in the claims 9,18 of '739). Re: claims 27-28, these *are* matrix displays of devices listed in claim 22 (of '739).

Re: claim 32: the disposing of the substrate is obvious as seen by Nakamura et. al. who places a glass plate in the substrate holder in order to deposit the thin layer, (lines 19-22, column 18).

The remaining limitations, not addressed above, are the same as already provided in claims 9, 18 of '739.

Allowable Subject Matter

7. Claims 29, 30 and 35, 36 are allowed. The following is an examiner's statement of reasons for allowance: In the context of the complete method steps of claim 29 or 35, there was no suggestion in the prior art for applying voltage through an electrode where the electrode is provided at the opening of the sample boat, to provide the electrical charge to the EL material. Claims 30 and 36 dependent to these independent claims, respectively, are thereby also allowed.

8. Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The parent case does not present any claim to an active matrix light emitting device with respect to '739's claim 18, charged-EL-material. (Parent case is absent of any claims dependent on claim 18 that has the charged EL material limitation).

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee

Art Unit: 2824


pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hiroki et. al. 6,696,105 coats EL liquid cited previously. Goodman et. al. USPN 5,904,781 process and apparatus for auto-collimating phosphors. Kishimoto USPGPUB 2004/0074584 teach EL transfer medium. Ozaki et. al. USPN 3,527,652 illustrates the use of phosphors for color picture. Bae et. al. USPN 6,617,608 EL display and method. Blanchert-Fincher USPN 6,852,355 thermal transfer of EL material as does Littman et. al. USPN 5,688,551. Yamazaki et. al. USPN 6,420,834 is closest art where the bank has charge. Embodiment 9, column 23, lines 9-10. also see embodiment 10 where pixel is charged. USPN 6,555,968 and USPN 6,750,618 also to Yamazaki et. al. for EL device. Eida USPGPUB 2005/0110716 organic EL device.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Luhrs whose telephone number is 571-272-1874. The examiner can normally be reached on M-F, 8-5.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard T. Elms can be reached on 571-272-1869. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Michael K. Luhrs
6/9/05


OLIK CHAUDHURI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Amended
Sheet

Approved MKL
6/9/05

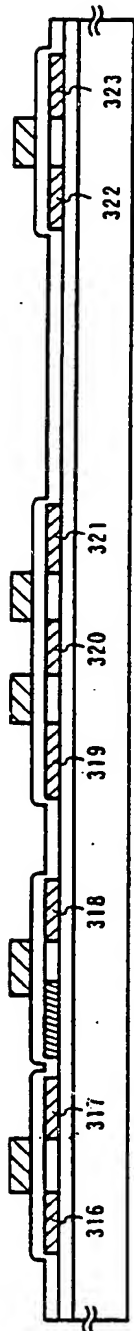


Fig. 5A

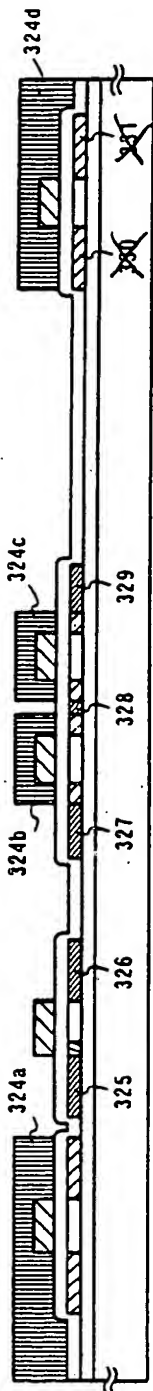


Fig. 5B

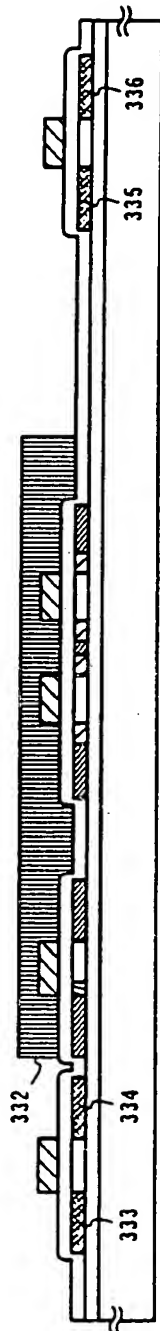


Fig. 5C

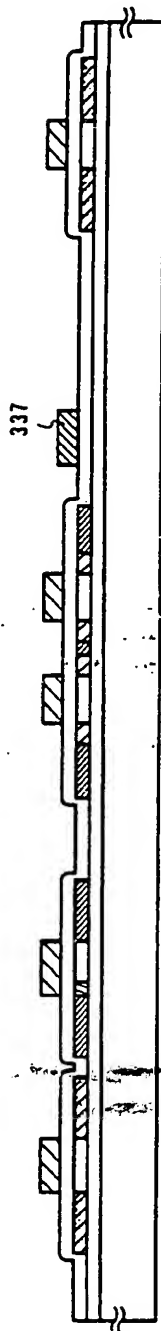


Fig. 5D



Approved MKL
6/9/05

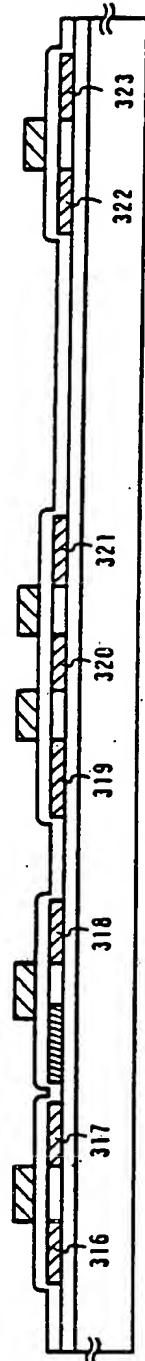


Fig. 5A

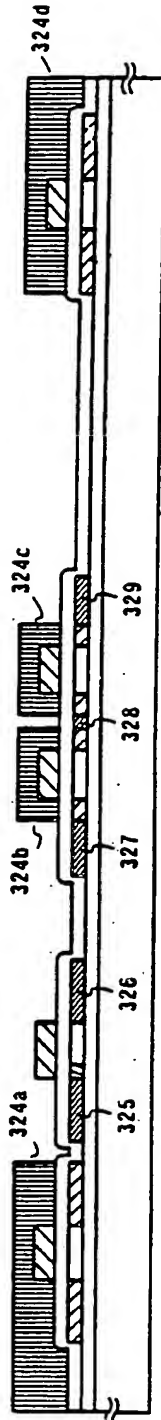


Fig. 5B

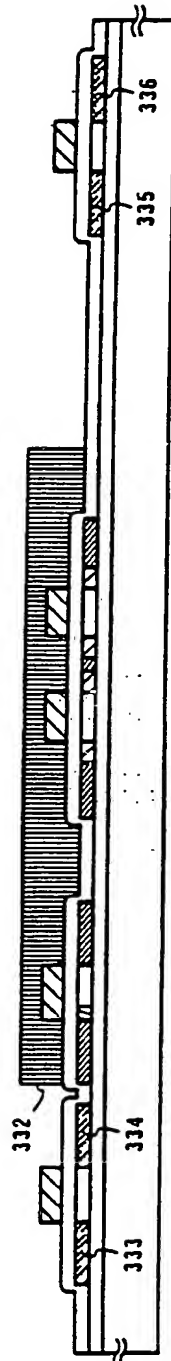


Fig. 5C

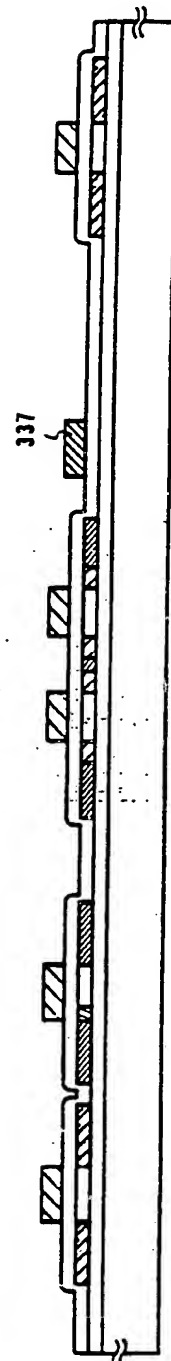


Fig. 5D